

REMARKS

Applicants have amended the claims in response to the outstanding Office Action and Restriction Requirement dated July 2, 2004. Applicants respectfully request that the present response and election be entered.

Restriction Requirement

Applicants elect the generic concept set forth by the Examiner, as amended by the telephone conversation between Applicants and the Examiner on June 4, 2004, without traverse, for further prosecution in this application. In light of this election, Applicants amend pending claims 1, 4, 6, 7, and 9 to recite the elected subject matter identified *supra*. The withdrawal of non-elected subject matter is without prejudice to Applicants' ability to file and obtain patent protection for claims directed to this withdrawn subject matter in applications claiming priority to the present application under 35 U.S.C. §120.

The Amendments

Applicants have canceled claims 8, 12, 14, and 16-25 without prejudice.

Applicants have amended claim 1 to delete non-elected subject matter.

Applicants have amended claim 4 to delete non-elected subject matter.

Applicants have amended claim 7 to delete non-elected subject matter (compound number II-A-8) and in response to the Examiner's rejections.

Applicants have amended claim 9 to delete non-elected subject matter and in response to the Examiner's rejections.

None of the above amendments adds any new matter. These amendments are further discussed below in the context of the Examiner's rejections.

The Rejections

35 U.S.C. § 112, First Paragraph

Claims 16-25 stand rejected under 35 U.S.C. § 112, first paragraph, "because the specification does not reasonably provide enablement for all the diseases listed in the claims." As noted above, applicants have canceled claims 16-25 and therefore respectfully request that the Examiner withdraw this rejection.

35 U.S.C. § 112, Second Paragraph

Claims 7, 9, 12, and 14 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter of the invention. As noted above, applicants have canceled claims 12 and 14, thus obviating the Examiner's rejections directed to those two claims.

The Examiner contends that in claim 7, the structures are enclosed in table format thus rendering the claim indefinite. The Examiner has suggested removing the table format and to list the compounds and compound numbers. Per the Examiner's suggestion, applicants have amended claim 7 to remove the table format thus obviating this rejection.

The Examiner contends that the terms "Q" and "R³" in claim 9, lack proper antecedent basis and should be removed. The Examiner also contends that the term "or (f)" on line 4, claim 9 is confusing and should be replaced with the term "wherein". Per the Examiner's suggestion, applicant has deleted reference to radicals "Q", "T", and "R³" and replaced the term "or (f)" with the term "wherein" to clarify the intended definitions of the radicals and thus obviating the Examiner's rejection.

CONCLUSION

Applicants respectfully request that the Examiner consider the foregoing remarks and allow the pending claims to pass to issue. Applicants would like to thank the Examiner for careful consideration of this application. If it is believed that a telephone call would expedite prosecution, the Examiner is invited to contact the undersigned at (617) 444-6467. The Commissioner is also authorized to charge any fees (or credit any overpayments) to Deposit Account Number: 50-0725, reference number VPI/00-127 CON DIV US.

Respectfully submitted,



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